

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3488 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?

4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

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ABDUL SATTAR IBRAHIM

Versus

STATE OF GUJARAT

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Appearance:

MR SURESH M SHAH for Petitioner  
MR LR POOJARI, AGP. for Respondent No. 1  
MR YOGESH S LAKHANI for Respondent No. 2

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CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 27/04/2000

ORAL JUDGEMENT

The land bearing Survey Nos. 202 and 225 of  
Rajkot admeasuring 20 Acres and 3 Gunthas belonged to one  
Shri Nanubhai Thakarshi. According to the petitioner  
society they had entered into an agreement to purchase

the said land. Four sale-deeds were executed and registered before the Urban Land (Ceiling and Regulation) Act, 1976 came into force. The said four sale-deeds covered 9 Acres of land. Two more sale-deeds covering 5 Acres and 3 Gunthas were executed in 1981 and they were pending for registration. The petitioner society had brought this fact to the notice of the competent authority and contended that the land purchased by them were not liable to be included in the holding of the original owner. However, the competent authority by his order dated 10.03.1986 declared 79,866 sq.mtrs. of land as surplus and directed that final statement u/s.9 of the Act be issued accordingly. The original owner and the petitioner society preferred Appeal No. (Rajkot) 45/86 before the Urban Land Tribunal. The Tribunal by its judgment and order dated 31.3.1989 dismissed the appeal and vacated the stay which had been granted on 28.4.1986. It is the said order of the competent authority as confirmed in appeal by the Urban Land Tribunal which is under challenge in the present petition under Article 226 of the Constitution of India. Notice was ordered to issue on 1.6.1989 and the ad-interim relief so far as taking of possession of the land the petitioner society was concerned was granted. Rule was issued on 3.7.1989 and the interim relief was ordered to continue till further orders.

Today Shri L.R.Poojari, learned Assistant Government Pleader produces a copy of the letter dated 24.04.2000 addressed to him by the Addl. Collector, Urban Land Ceiling, Rajkot and intimating that in view of the injunction granted by the Court in this petition possession of 79866 sq.mtrs. of land which had been declared surplus has not been taken. Since possession has not been taken the proceedings relating to the order of the competent authority abate in view of the provision of section 4 of the Urban Land (Ceiling and Regulation) Repeal Act, 1999. The present petition therefore does not survive and is accordingly disposed of. Rule discharged. No order as to costs.

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m.m.bhatt